

**TEXAS BOARD OF CHIROPRACTIC EXAMINERS**

**William P. Hobby Building  
333 Guadalupe, Suite 3-825  
Austin, Texas 78701**

**MINUTES FOR THE TBCE BOARD MEETING HELD FEBRUARY 28, 2008**

The Texas Board of Chiropractic Examiners (the Board) met in a regularly scheduled board meeting on February 28, 2008. The meeting was held in the William P. Hobby Building, Tower 2, Room 225 located at 333 Guadalupe Street, Austin, Texas 78701. A recording of the meeting was made and is on file at the Board offices. This is a summary of the minutes of that meeting

**1. CALL TO ORDER, INTRODUCTION OF NEW MEMBERS AND ROLL CALL**

*Dr. Kenneth Perkins, D.C., President (or Presiding Officer)*

Call to order and introduction of new board members (if appointments have been made)

**Action Taken:** Dr. Kenneth Perkins, Board President, called the meeting to order at 12:49 PM and introduced new board members Dr. Cynthia Tays, D.C. and Mr. Armando Elizarde, Jr., public member.

**1.2 Roll call and establishment of quorum**

**Action Taken:** Dr. Perkins called the roll and established that a quorum was present.

All board members were present, including:

Dr. Kenneth Perkins, President  
Dr. Scott Isdale, Vice President  
Ms. Marcia Daughtrey, Public Member  
Mr. Armando Elizarde, Jr., Public Member  
Dr. Sandra Jensen  
Dr. David Sime  
Dr. Kathleen Summers  
Dr. Cynthia Tays  
Ms. Kenya Woodruff, J.D., Public Member

Also present were:

Mr. Jeb Boyt, J.D., General Counsel & Assistant Attorney General  
Mr. Joe Thrash, J.D., General Counsel & Assistant Attorney General  
Mr. Glenn Parker, Executive Director  
Ms. Pam Harris, Director of Licensing  
Mr. Scott Parker, Director of Enforcement  
Mr. Bill Zilar, Investigator

## **2. APPROVAL OF MINUTES**

*Dr. Kenneth Perkins, D.C.*

**Action Taken:** The Board reviewed and approved without changes the minutes from the board meeting held on November 1, 2007.

## **3. PUBLIC COMMENTS**

*Dr. Kenneth Perkins, D.C.*

**Action Taken:** Dr. Perkins opened the floor to anyone who wished to make comments or to submit comments or written materials to the Board. There were no comments received.

## **4. EXECUTIVE COMMITTEE BUSINESS**

*Dr. Kenneth Perkins, D.C.*

### **4.1 President's Report (*Dr. Perkins*)**

#### **4.1.1 FCLB & NBCE Meetings in Atlanta April 28 – May 3, 2008**

**Action Taken:** The Board approved the request by Dr. Perkins and Mr. Parker to attend the FCLB and NBCE meetings in Atlanta on April 28 – May 3, 2008.

#### **4.1.2 Appointment of FCLB voting delegate and alternate voting delegate**

**Action Taken:** The Board appointed Dr. Perkins as the voting delegate to the FCLB and appointed Mr. Parker as the alternate voting delegate.

#### **4.1.3 Appointment of NBCE voting delegate and alternate voting delegate**

**Action Taken:** The Board appointed Dr. Perkins as the voting delegate to the NBCE and Dr. Kathleen Summers as the alternate voting delegate.

#### **4.1.4 Opportunity for two DC board members to serve for Part IV exam May 16 – 18, 2008**

**Action Taken:** Dr. Perkins called for volunteers from the members of the Board who are D.C.s and who wish to serve as examination proctors for Part IV of the NBCE examinations on May 16-18. Dr. Kathleen Summers and Dr. Cynthia Tays were interested and will work with Mr. Parker to coordinate their participation.

#### **4.1.5 Adoption of Board meeting date for November 2008**

**Action Taken:** The Board adopted Thursday, November 6, 2008 as the date for its board meeting in November 2008.

#### **4.1.6 Revision of Board's Committee Structure**

**Action Taken:** None. This agenda item was tabled.

4.1.7 Board Committee Appointments (May be deferred until May 8<sup>th</sup>)

**Action Taken:** None. This agenda item was deferred until the next board meeting, which is scheduled for May 8, 2008.

4.2 Doctors of Chiropractic as Emergency Responders - Update (*Dr. Summers*)

**Action Taken:** None. Dr. Summers presented an informational report to the Board on the Emergency Responders program that is being set up in Texas.

4.3 Executive Director's Report on agency activities, including but not limited to recent agency activities, statistical reports, audits, and upcoming events:  
(*Glenn Parker*)

**Action Taken:** None. Executive Director Glenn Parker presented a written and an oral report to the Board on recent agency activities, including the news that Mr. Bill Zilar has been hired as the agency's second investigator and that the State Auditor's Office is conducting an audit of the agency's performance measures. Mr. Parker informed the Board that corrections will need to be made in the way that some measures are calculated, including how to calculate the average cost of issuing a license.

4.4 Adoption of proposed agency newsletter fee (*Glenn Parker*)

**Action Taken:** The Board approved without opposition the adoption of an \$8 annual fee for an agency newsletter to be sent to licensed doctors of chiropractic and other interested parties.

**5. LICENSURE AND EDUCATIONAL STANDARDS COMMITTEE BUSINESS**

*Dr. David Sime, D.C.*

5.1 Requests for approval to sit for Jurisprudence Examination

5.1.1 Kimberly Inez Farias

**Action Taken:** None. This item was tabled. Ms. Farias did not attend the meeting.

**6. RULES COMMITTEE BUSINESS**

*Ms. Kenya Woodruff, J.D.*

6.1 Proposed Rules Amendments Eligible for Adoption

6.1.1 Consideration of adoption of proposed amendment to amend Fee Schedule to include a \$750 fee for each application of recognition of a chiropractic specialty

**Action Taken:** The Board approved by a vote of 8 to 1 the adoption of a \$750 fee for each application for recognition of a chiropractic specialty. Former Board member and Rules Committee chair Dr. Steve Minors clarified that the rule as

presently written is not intended to recognize specialties for individual doctors of chiropractic.

- 6.1.2 Consideration of adoption of proposed amendments to Rule 73.3 and Rule 73.7 concerning the Board designating certain courses or subjects as being mandatory for meeting continuing education requirements for doctors of chiropractic

**Action Taken:** After discussion of comments received, and after making minor changes to the text, the Board approved without opposition the adoption of previously proposed amendments to Rule 73.3 and Rule 73.7 concerning required courses or subjects for continuing education.

- 6.2 Discussion Items

(Ms. Woodruff) may update the Board on questions or issues under consideration in the Rules Committee.

**Action Taken:** None. This item was for information purposes only.

- 6.3 Scope of Practice Questions and Issues (None for this meeting)

**Action Taken:** None.

## 7. ENFORCEMENT COMMITTEE BUSINESS

*Dr. Scott Isdale, D.C.*

- 7.1 Summary of Enforcement Committee Hearings held on November 29, 2007 and January 24, 2008.

**Action Taken:** None. Dr. Isdale presented an update on the Enforcement Committee hearings held in November 2007 and January 2008.

- 7.2 Consideration of SOAH Proposals for Decisions

- 7.2.1 Richard Ignatius Guidry, SOAH Docket #508-06-2243, Texas DC License #8045, TBCE Case#103-04

**Action Taken:** After hearing testimony from SOAH Judge Katherine Smith, respondent's attorney Mr. Larry Laurent, Dr. Guidry, and Board attorney Mr. Joe Thrash the Board approved a motion by a vote of 5 to 0 to revoke the D.C. license of Dr. Richard Guidry. Members abstaining were current or former members of the Enforcement Committee: (1) Dr. Scott Isdale; (2) Ms. Marcia Daughtrey; (3) Dr. Kathleen Summers; and (4) Dr. Sandra Jensen.

- 7.3 Consideration of Accepted Agreed Orders: The Board will consider approval of the following Agreed Orders that have been accepted by the Respondents:

- 7.3.1 Case # 101-649
- 7.3.2 Case # 106-134
- 7.3.3 Case # 106-168
- 7.3.4 Case # 106-179
- 7.3.5 Case # 107-092
- 7.3.6 Case # 107-097
- 7.3.7 Case # 107-149
- 7.3.8 Case # 107-159
- 7.3.9 Case # 107-166
- 7.3.10 Case # 107-172
- 7.3.11 Case # 107-217
- 7.3.12 Case # 108-005
- 7.3.13 Case # 108-039
- 7.3.14 Case # 104-92

**Action Taken:** The Board approved without opposition the acceptance of the 14 Agreed Orders listed above as proposed.

- 7.4 Recommendations to Approve or Deny Requests to Expunge Records

- 7.4.1 Case # 94-17 EC Recommendation to Expunge
- 7.4.2 Case # 95-98 EC Recommendation to Expunge
- 7.4.3 Case # 96-224 EC Recommendation to Expunge
- 7.4.4 Case # 100-20 EC Recommendation to Expunge
- 7.4.5 Case # 102-69 EC Recommendation to Expunge
- 7.4.6 Case # 104-209 EC Recommendation to Expunge
- 7.4.7 Case # 101-229 EC Recommendation to Expunge
- 7.4.8 Case # 102-263 EC Recommendation to Expunge

**Action Taken:** The Board approved with opposition a motion to expunge the disciplinary records for the 8 cases listed above.

- 7.5 Establishment of Peer Review Committees (*Glenn Parker*)

**Action Taken:** None. There were no materials to consider for this agenda item.

## 8. EXECUTIVE SESSION

*Dr. Kenneth Perkins, D.C.*

The Board may meet in Executive Session for:

Consultation with counsel pursuant to Section 551.071, Government Code wherein the Board and essential staff will receive a briefing from assigned Assistant Attorney General concerning pending or contemplated litigation and settlement offers including but not limited to:

- 8.1 Texas Medical Association lawsuit against the Board

Board will reconvene in open sessions after Executive Session to vote on items considered in Executive Session as necessary.

**Action Taken:** The Board convened in Executive Session at 2:50 PM and received a briefing from its attorneys on the Texas Medical Association's lawsuit against the Board. The Board then ended the Executive Session at 3:05 PM and re-convened in open session at the same time. No action on this agenda item was taken in either session.

**9. CALL FOR FUTURE ITEMS** for discussion and/or consideration by the Board  
*Dr. Kenneth Perkins, D.C.*

**Action Taken:** Dr. Perkins invited Board members and interested parties to submit potential agenda items to himself or Executive Director Parker.

**10. MEETING REMINDERS & ADJOURNMENT**  
*Dr. Kenneth Perkins, D.C.*

10.1 The remaining Board meeting dates for Calendar Year 2008 are: (1) May 8, 2008, (2) August 14, 2008, and November 6, 2008.

10.2 The next Enforcement Committee dates are: (1) March 27 (2) April 22 (3) May 8 (Board Meeting Date), and (4) May 27, 2008 (if necessary)

**Action Taken:** Dr. Perkins reminded board, staff and attorneys of the dates for future meetings and adjourned the board meeting at 3:16 PM.

**Statement:**

I affirm that the above is a true and correct rendering of the minutes for the Texas Board of Chiropractic Examiners Board Meeting held on the above referenced date. These minutes from the board meeting held on February 28, 2008 were approved by the Texas Board of Chiropractic Examiners at its regularly scheduled meeting held: **May 8, 2008**.

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Glenn Parker  
Executive Director  
Texas Board of Chiropractic Examiners

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May 8, 2008  
Date